

Remarks

Claims 2 and 4 are amended. Claim 15 is cancelled and claims 26 to 29 are added. Accordingly, claims 1 to 14 and 16 to 29 are pending in this application of which claims 1, 16, 17, 26, 27 and 29 are in independent form.

On page 2 of the action, it was stated that the applicants did not file a certified copy of German patent application 102 44 669.5 in support of their claim of priority. However, applicants did file a certified copy when the application was filed on September 24, 2003 as shown on the date-stamped receipt submitted with this amendment. However, applicants have ordered a replacement copy and will file the same as soon as it is received.

On page 2 of the action, the applicants are advised that the information disclosure statement filed on September 24, 2003 had not been fully considered since a copy of the foreign reference DE 28 25 505 was not filed with a translation. Accordingly, applicants have filed a supplemental information disclosure statement with which they submitted a copy of British patent publication 1,594,669 which corresponds to the German patent publication and respectfully request that the British patent publication be given consideration.

Claims 1 to 13 and 17 to 24 were rejected under 35 USC 102(b) as being anticipated by Takeda.

Takeda has a United States filing date which is later in time than the September 24, 2002 date on which German patent

application 102 44 669.5 was filed and on which priority is claimed herein. Accordingly, applicants respectfully request that Takeda be withdrawn as a reference in accordance with 37 CFR 1.55. A verified translation of German patent application 102 44 669.5 was filed separately on February 3, 2005.

The foregoing notwithstanding, the applicants will now show that even if Takeda were available as a reference, claim 1 would patentably distinguish their invention thereover.

The applicants' invention is directed to an arrangement wherein a camera is held rearward of a glass in the form of a monocular or binocular.

In contrast, Takeda discloses a camera housing behind an objective which is not a monocular or binocular. A transmission of vibrations is intended to be avoided by an anti-vibration adapter placed between a lens device and the camera. The object realized by Takeda is therefore a low vibration utilization of a television camera. For this reason, Takeda discloses only one of the two elements (camera and glass), namely, only the camera. To come closer to the applicants' invention, Takeda would have to also disclose a monocular or binocular which would have to be arranged ahead of the camera housing and objective.

The camera housing of Takeda cannot be viewed as being the same as the camera in the applicants' arrangement because the camera housing is only a part of a camera.

Also, the objective disclosed by Takeda cannot be the equivalent of a monocular or binocular. This is so because, from an optical viewpoint, objectives and monoculars/binoculars are not equivalent.

An objective generates a real image in the camera housing; whereas, a monocular/binocular only magnifies an image and does not generate a real image (the image distance is at infinity). For this reason, one requires a complete camera with its own objective in order to capture this magnified image.

In Takeda, and after pivoting away the camera housing, the user cannot use the objective as a monocular or binocular because the ocular is not present.

Applicants call attention to the fact that Takeda solves a very different problem, namely, that of vibrations, and connects elements (housing of the camera to objective) to each other for this purpose which depart from the elements associated with each other in applicants' claim 1, namely, a camera with a monocular/binocular.

From the above, it can be seen that even if Takeda were available as a reference, it could not be applied to anticipate the applicants' invention.

Claims 14, 16 and 25 were rejected under 35 USC 103(a) as being unpatentable over Takeda in view of Haile-mariam.

Even if Takeda were available as a reference, it could not be combined with Haile-mariam to render applicants' claims 14, 16 and 25 unpatentable.

Haile-mariam discloses a desktop projector having a screen. According to FIG. 2 of this reference, the desktop projector can be attached so as to be pivotable on a table top. Applicants respectfully submit that the person of ordinary skill would not combine the television camera as set forth in Takeda with a desktop projector in order to arrive at the applicants'

arrangement for holding a camera rearward of the ocular of a monocular/binocular.

In view of the above, it can be seen that even if Takeda were available, it could not be combined with Haile-mariam to arrive at the applicants' invention.

Reconsideration of the application is earnestly solicited.

Respectfully submitted,



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